

REMARKS

This Amendment is being filed in response to the Office Action mailed on April 9, 2008 which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-17 remain in this application, where claims 10-17 have been added, and where claims 1 and 5-9 are independent.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

In the Office Action, the Examiner objected to claims 2-4 for certain informalities. In response, claims 2-4 have been amended to remove the informalities noted by the Examiner. Accordingly, withdrawal of the objection to claims 2-4 is respectfully requested. Further, claims 1-9 have been amended for non-statutory reasons, such as for better form including deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Such amendments to claims 1-9 were not made in order to address issues of patentability and Applicants

respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, claims 1, 3 and 5-9 is rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite. Without agreeing with the position forwarded in the Office Action, and in the interest of advancing prosecution, claims 1, 3 and 5-9 have been amended to remove the alleged informality noted by the Office Action. It is respectfully submitted that the rejection of claims 1, 3 and 5-9 have been overcome and an indication as such is respectfully requested.

In the Office Action, claims 1-9 are rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter. Without agreeing with the position forwarded in the Office Action, and in the interest of furthering the prosecution and expediting allowance of the present Application, claims 1-9 have been amended for better form that more clearly recites statutory subject matter. It is respectfully requested that the rejection of claims 1-9 under 35 U.S.C. §101 has been overcome and withdrawal of this rejection is respectfully requested.

In the Office Action, claims 1-9 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by WO 98/32301 which is U.S.

Patent No. 6,061,346 (Nordman). It is respectfully submitted that claims 1-9 are patentable over Jacobson for at least the following reasons.

Nordman is directed to a method and apparatus for accessing a private IP network with a wireless host by way of a wireless access network. Once the wireless host is authenticated and access by the wireless host to the private IP network is permitted, the wireless host becomes a virtual host of the private IP network. As specifically recited throughout Nordman, it is the apparatus, such as a mobile terminal 16 that is authenticated to allow access to the private network. That is, any authentication in Nordman is directed to authenticating a communication station and not a memory medium, as clearly recited in the following sections of Nordman:

The remote communication station is authenticated to confirm authorization of the remote communication station to communicate by way of the network infrastructure. A network-access request is forwarded to the private data communication network if the remote communication station is authenticated wherein the remote communication station is identified by the remote communication station identity. A determination is made, responsive to the network-access request, whether the remote communication station is permitted to access the private data communication network. And, the remote communication station is permitted to access the private data communication network if the

remote communication station is determined to be permitted to access the private network. (Column 4, line 67, to column 5, line 4; emphasis added)

Such values are utilized during authentication procedures used to confirm the authenticity of the remote communication station... (Column 6, lines 60-62; emphasis added)

the authentication procedure authenticates, i.e., confirms, that the mobile terminal 16 is permitted to communicate by way of the network infrastructure forming the wireless access network. Once the authentication procedure is successfully completed, i.e., the mobile terminal 16 is confirmed to be an authentic terminal which is permitted to communicate... (Column 7, lines 42-47; emphasis added)

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claims 5-9, amongst other patentable elements recites (illustrative emphasis provided):

extracting memory medium properties from the memory medium inserted in the device,
sending said memory medium properties to the remote unit, and
authenticating the memory medium by comparing said memory medium properties with the ones of a corresponding memory medium legally produced by a provider, before sending the additional data to the device.

These features are nowhere disclosed or suggested in Nordman.

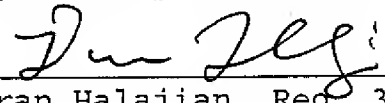
Rather, Nordman discloses authenticating a communication station and not a memory medium, for providing private network access to the communication station.

Accordingly, it is respectfully requested that independent claims 1 and 5-9 be allowed. In addition, it is respectfully submitted that claims 2-4 should also be allowed at least based on their dependence from independent claims 1 and 5-9 as well as their individually patentable elements.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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